

United States District Court

Eastern District of Missouri

UNITED STATES OF AMERICA

v.

ORDER OF DETENTION

☒ **PENDING TRIAL**

COLLIE SMITH

Case Number: 4:11 MJ 5168 NAB

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f) a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part 1 - Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
- ☐ a crime of violence as defined in 18 U.S.C. §3156(a)(4).
- ☐ an offense for which the maximum sentence is life imprisonment or death.
- ☐ an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an)other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in _____
- ☐ under 18 U.S.C. §924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings (B)

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Defendant was arrested on a complaint for the offense of Knowingly and Intentionally Possession with the Intent to Distribute in Excess of 50 Kilograms of Marijuana. According to officers, Defendant who has a Colorado drivers' license was transporting more than 200 pounds of marijuana in his vehicle when he was stopped on Interstate 70. Defendant did not provide information to the pretrial services officer after the arrest and he exercised his right to remain silent during his Initial Appearance before this Court. The attorney for the Government moved for detention alleging that there is a serious risk that the defendant will flee; (continued on page 2)

Part II - Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by

☒ a preponderance of the evidence that ☐ clear and convincing evidence that

defendant is a flight risk.

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: November 15, 2011

/s/Nannette A. Baker

Signature of Judicial Officer

Nannette A. Baker U.S. Magistrate Judge

Name and Title of Judicial Officer

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The defendant is charged with an offense for which the maximum term of imprisonment of twenty years is prescribed under Title 18; and that Defendant is a danger to the community. The Court is unable to consider the history and characteristics of the defendant because it has inadequate information about Defendant's background. However, considering other factors, including the nature and circumstances of the offense charged as well as the fact that Defendant has no ties to the Eastern District of Missouri, there is clear and convincing evidence that no condition or combination of conditions will reasonably assure his appearance and the safety of the community.